47. (new) A method according to claim 44 wherein said polypeptide is immobilized on a solid support.

REMARKS

Claims 1-23 have been canceled, without prejudice.

Claims 24-47 have been added and are pending. Support for the new claims may be found throughout the specification. No new matter has been added.

The applicants elect, with traverse, Group 117, as described by the Examiner. Reconsideration and withdrawal of the restriction requirement, at least to the extent described below, are requested.

In light of this restriction, a new set of claims is now filed as a preliminary amendment. As explained below, Applicants submit that these claims are directed to a single embodiment of the invention, i.e., to a method of treating or preventing mycobacterial disease in an animal or human by vaccinating said animal or human against a polypeptide according to SEQ ID NO: 24, or a variant thereof.

Applicants note that the Examiner had classified vaccination with a polypeptide according to SEQ ID NO: 24 and vaccination with a polynucleotide encoding such a polypeptide as two separate inventions (117 and 134). However, Applicants submit that these are simply two different methods of delivering the polypeptide to the animal or human. In order to clarify this, new claim 24 refers to vaccination against this polypeptide. This may be carried out using the polypeptide itself (new claim 25) or using a polynucleotide encoding the polypeptide or an expression vector comprising such a polynucleotide (claims 26 and 27). The polynucleotide or expression vector of these claims serve simply to deliver the polypeptide to the patient. Claims 24 to 27

therefore find basis in previous claims 18 and 19 and at, for example, page 17 lines 27 to 35. Withdrawal of the restriction requirement and examination of all the pending claims are requested.

Claim 28 is based on previous claim 20. Claims 29 to 42 refer to an embodiment of this invention wherein the response to the vaccination is monitored or detected. Such monitoring may occur during the vaccination or after vaccination has been completed. The effectiveness of the vaccination may therefore be determined. This aspect finds basis at page 18 lines 3 to 12 and page19 lines 18 to 22, of the specification.

Claims 32 to 47 specify methods by which the response to the vaccination may be monitored. Claims 32 to 34, 43 and 44 find basis in previous claims 13 and 15. Claims 38 to 40 find basis at page 18 lines 3 to 9 and 23 to 35 of the specification. Claims 35 and 45 find basis at page 18 lines 10 to 12. Claims 36, 41 and 46 find basis at page 17 lines 20 to 30. Claims 37, 42 and 47 find basis at page 17 lines 32 to 35.

An early and favorable Action on the merits of the claimed invention is requested.

Respectfully submitted,

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